IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

THURSDAY, THE 25TH JANUARY 2007 / 5TH MAGHA 1928

WP(C).No. 333 of 2007(M)

PETITIONER:

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1. L.EDWIN,
   SUB INSPECTOR OF POLICE, HIGHWAY PATROL,
   PARASSALA, THIRUVANANTHAPURAM.

2. R.PRASANNA KUMAR,
   SUB INSPECTOR OF POLICE, TRAFFIC, ATTINGAL,
   THIRUVANANTHAPURAM.

3. R.RADHAKRISHNAN NAIR,
   SUB INSPECTOR OF POLICE, KOVALAM,
   THIRUVANANTHAPURAM.

4. M.RADHAKRISHNAN,
   ADDITIONAL SUB INSPECTOR OF POLICE,
   PETTAH, THIRUVANANTHAPURAM.

5. SHERIF RAWTHER,
   SUB INSPECTOR OF POLICE, NARCOTIC CELL,
   THIRUVANANTHAPURAM CITY.

BY ADV. SRI.PIRAPPANCODE V.S.SUDHIR

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY THE
   SECRETARY, HOME DEPARTMENT,
   SECRETARIAT, THIRUVANANTHAPURAM.

2. DIRECTOR GENERAL OF POLICE,
   KERALA, THIRUVANANTHAPURAM.

3. ADDL. DIRECTOR GENERAL OF POLICE
   POLICE HEADQUARTERS, KERALA
   THIRUVANANTHAPURAM

4. DEPARTMENTAL PROMOTION COMMITTEE, POLICE DEPT.
   REP. BY ITS CONVENOR AND DIRECTOR GENERAL OF POLICE
   KERALA, THIRUVANANTHAPURAM

BY GOVT. PLEADER SHRI. BIJOY CHANDRN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/01/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No. 333 OF 2007 M
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Dated this the 25th January, 2007

J U D G M E N T

The petitioners are borne on the cadre of Sub Inspectors of Police in the General Executive Branch. In the provisional seniority list of Sub Inspectors of Police the petitioners are placed fairly at the top of the list. According to the petitioners, the 5th petitioner is the juniormost among them and going by the number of persons in the provisional list there are only 27 persons above him. That means petitioners 1 to 4 are occupying still higher places in the provisional seniority list. The 1st petitioner who has crossed the age of 54 years is due to retire from service by the end of February, 2007. Naturally he feels that unless promotions to the next higher post of Circle Inspector of Police are ordered immediately, he is likely to loose his right to get promotion, at any rate, he may not be able to enjoy the fruits of the promotion. The post of Circle Inspector of Police is a selection post and therefore the Departmental Promotion Committee will

have to hold its meeting in order to assess the suitability of those who are eligible to be included in the select list. Under normal circumstances, if the Departmental Promotion Committee has to hold its meeting, there shall be a final seniority list of the members belonging to the feeder category.

2. Govt. Pleader submits that it may take some more time for the preparation and publication of the final list, for, the department is considering the objections received from various members of the service against the provisional seniority list. That means, there is no scope of the Departmental Promotion Committee to hold its meeting in the near future. If that is so, the apprehension of the petitioners that their right to be considered for promotion to the post of Circle Inspector of Police despite the fact that there are more than 45 vacant posts in the category of Circle Inspector of Police, is well founded. Something will have to be done by the respondents to see that the grievance of the petitioners is redressed. It is not

merely the grievance of the members of the service that alone requires consideration; the matter involves public interest as well. Posts of Circle Inspectors of Police are necessary for maintaining law and order and also for conducting effective investigation of cases.

3. In the above circumstances, I am inclined to direct respondents 1 and 2 to consider whether temporary promotions as contemplated in the statutory rules are ordered and the vacant posts of Circle Inspector of Police are filled up at least on temporary basis without further delay. Action taken to finalise the seniority list shall be expedited and the Departmental Promotion Committee shall be directed to hold its meeting so that the posts can be filled up on a regular basis.

4. As already stated by the respondents themselves since the above process is a time consuming one, it is all the more necessary that respondents 1 and 2 shall address themselves to the question of making temporary

promotions. If the respondents so decide, temporary promotions can be ordered without delay. The same shall be done based on the rank assigned to the feeder category members in the provisional seniority list now in force.

5. The final seniority list shall be published within two months. The Departmental Promotion Committee shall hold its meeting immediately thereafter, at any rate, within six weeks from the date of publication of the final list. Statutory rules insist that the Departmental Promotion Committee shall hold its meeting periodically in order to assess the suitability of the members of the service for appointment to the higher post every year. Counsel for the petitioners submits that the D.P.C. has not held its meeting for preparation of select list for the year 2006. Now that one more year has elapsed, there shall not be any further delay in the matter. The competent among the respondents shall take appropriate decision regarding the necessity to issue orders temporarily

promoting Sub Inspectors of Police as Circle Inspectors of Police, within three weeks.

6. The petitioner shall produce a copy of the judgment along with a copy of the writ petition before respondents 1 and 2 for information and necessary action.

K.K. DENESAN
JUDGE

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